

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date August 30, 1999

Docket No. 991248-TI

1. Division Name/Staff Name Communications/Isler
2. OPR Communications/Isler
3. OCR Legal Services/K. Peña; C. Bedell
4. Suggested Docket Title Cancellation by Florida Public Service Commission of IXC Certificate No. 5738 Issued to First Call USA, Incorporated, for Violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies

5. Suggested Docket Mailing List (attach separate sheet if necessary)

- A. Provide NAMES ONLY for regulated companies or ACRONYMS ONLY regulated industries, as shown in Rule 25-22.104, F.A.C.
- B. Provide COMPLETE name and address for all others. (Match representatives to clients.)

1. Parties and their representatives (if any)

<u>Brett Kaye</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Interested Persons and their representatives (if any)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

6. Check one:

- Documentation is attached.
 Documentation will be provided with recommendation.

I:\PSC\RAR\WP\ESTDKT.

PSC/RAR 10 (Revised 01/96)

DOCUMENT NUMBER-DATE
10357 AUG 30 99
FPSC-RECORDS/REPORTING

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.



DIVISION OF
TELECOMMUNICATIONS
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

April 21, 1999

Mr. Brett Kaye, President
First Call USA, Incorporated
5030 Champion Blvd., Suite 6403
Boca Raton, FL 33496-2401

Dear Mr. Kaye:

The Commission's Division of Records and Reporting sent me a copy of its request for updated information which you returned, dated 3/9/99. You had marked through the address and liaison and telephone number and put new owner information. I am attaching a copy of three rules.

Rule 25-24.472, Florida Administrative Code, Improper Use of a Certificate, states that "No certificate of public convenience and necessity authorizing interexchange service may be sold, assigned or transferred by the holder to another, nor used as collateral for any purpose, without prior Commission approval."

The second is Rule 25-24.473, F.A.C., Application for Approval of Assignment or Transfer of Certificate, which provides that you and the new owner must submit a joint application for transfer of your certificate. An application is enclosed.

The third is Rule 25-24.474, F.A.C., Cancellation of a Certificate, which explains what steps must be taken to cancel an IXC certificate. Since you did not write a letter providing the information required by rule, I cannot open a docket to voluntarily cancel your certificate at this time.

In addition, I checked the Department of State, Division of Corporations' records and found that the corporation is still in your name, a copy of which is attached. This would have to be taken care of before we could process a transfer of your certificate to Mr. Walley.

Also, a company is responsible for the regulatory assessment fees until the certificate is canceled by the Commission, either voluntarily or involuntarily. The Commission's records show that the 1998 fees, including statutory penalty and interest charges, remain unpaid. Payment of the fees would have to be received before the Commission could

Mr. Brett Kaye, President

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April 21, 1999

process your request for cancellation or transfer of certificate. Details of the minimum charges are provided below:

Year	Fee	Penalty	Interest	Comment
1998	\$50.00	\$7.50	\$1.50	Payment was due 2/1/99. No payment was received. Payment must be postmarked in April 1999 to avoid an increase in the penalty & interest charge.
Subtotal	\$50.00	\$7.50	\$1.50	Total: \$59.00

If your payment is postmarked in May 1999, the total amount due is \$62.00.

Please respond in writing by May 10, 1999, and let me know how you wish to proceed or if you have any questions.

Sincerely,



Paula J. Isler, Research Assistant
Bureau of Compliance

Enclosures

cc: File

25-24.472 Improper Use of a Certificate.

(1) No certificate of public convenience and necessity authorizing interexchange service may be sold, assigned or transferred by the holder to another, nor used as collateral for any purpose, without prior Commission approval.

Specific Authority 350.127(2) FS.

Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS.

History—New 2-23-87.

25-24.473 Application for Approval of Assignment or Transfer of Certificate.

(1) A person desiring to obtain a certificate by assignment or transfer from the holder thereof shall submit jointly with the certificate holder an application on Commission Form PSC/CMU 31 (3/96), which is incorporated into this rule by reference. Form PSC/CMU 31 (3/96), entitled "Application Form for Authority to Provide Interexchange Telecommunications Service Between Points Within the State of Florida" may be obtained by contacting the Commission's Division of Telecommunications.

(2) An original and 12 copies of the application shall be filed with the Division of Records and Reporting.

(3) An application for assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(4) A certificate may be assigned or transferred only as a whole.

Specific Authority 350.127(2) FS.

Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS.

History—New 2-23-87, Amended 11-20-91, 3-13-96.

25-24.474 Cancellation of a Certificate.

(1) The Commission may on its own motion cancel a company's certificate for any of the following reasons:

- (a) Violation of the terms and conditions under which the authority was originally granted;
- (b) Violation of Commission rule or order; or
- (c) Violation of Florida Statutes.

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request.

- (a) Statement of intent and date to pay Regulatory Assessment Fee.
- (b) Statement of why the certificate is proposed to be cancelled.
- (c) A statement on treatment of customer deposits and final bills.
- (d) Proof of individual customer notice regarding discontinuance of service.

(3) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

Specific Authority 350.127(2) FS.

Law Implemented 350.113, 350.127(1), 364.285, 364.337, 364.345 FS.

History—New 2-23-87, Amended 3-13-96.

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: April 16, 1999
TO: Paula Isler, Division of Communications
FROM: Nonnye Grant, Division of Records and Reporting *nb*
RE: FIRST CALL USA, INCORPORATED - (TJ146)

Recently mailed out my request for "updated information" from all the Companies/Utilities under the FPSC jurisdiction. The above Company responded advising to contact the new owners for additional information.

Forwarding copy of my "updated information" for your information and further handling. No docket has been opened requesting cancellation of the original certificate granted to Mr. Kaye and a new certificate to be granted to the new owners. Until that is done and an order issued the original certificate will be "active."

Thanking you in advance.

/nbg
Attachments (1)

RECEIVED

APR 19 1999

CMU

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYO
DIRECTOR
(850) 413-6770

*Updated
3-25-99*

RECEIVED-FPSC
99 MAR 11 AM 11:40
RECORDS AND REPORTING

Public Service Commission

March 2, 1999

First Call USA, Incorporated
~~5030 Champion Blvd., Suite 6403
Boca Raton, FL 33496-2401~~

*8508 N. Lagoon Dr.
Panama City Bch, FL
32408*

Dear Sir or Madam:

The Commission is reviewing its information on regulated utilities. Please check the information below and note any change(s) on this letter, and return the letter to us within 15 days of receipt. Pursuant to Commission Rule 25-22.005(7), F.A.C., any future changes in this information must be reported to us in writing. Thank you for your cooperation.

*No. 11/11/99 - to cancel
4-16-99 memo to com. / B. S. regarding note to contact new owners.*

Sincerely,

Blanca S. Bayo
Blanca S. Bayo

*4-16-99 - Com/memo advised orig cert needs to be cancelled
new appl filed for new owners and new cert.*

8508 N. Lagoon Dr.
First Call USA, Incorporated

Location: *Panama City, Bch, FL 32408*
~~5030 Champion Blvd Suite 6403
Boca Raton, FL 33496-2401~~

Mailing Address:
~~5030 Champion Blvd, Suite 6403
Boca Raton, FL 33496-2401~~

Liaison Officer(s):
~~Brett Kaye President, (561) 495-1101
Thomas M. Forte Consultant - Tariff, (407) 740-8575~~

Mark Walley ✓

FAX No(s): ~~(561) 495-8440, (407) 740-0613~~

Internet e-mail address: *Contact New Owners*

Internet home page address: *Contact New Owners*

FEID Number: *Contact New Owners*

Company Code: TJ146 Certificate(s): 5/38

Date Completed: *3/9/99*

By: *Walley*